

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TROY ALEXANDER,

Plaintiff,

v.

5:17-cv-1195
(DNH/TWD)

CITY OF SYRACUSE, *et al.*,

Defendants

APPEARANCES:

K. FELICIA DAVIS, ESQ.
Counsel for Plaintiff

CHRISTINA F. DeJOSEPH, ESQ.
Counsel for Defendants City of Syracuse and Gilhooley

CAROL L. RHINEHART, ESQ.
Counsel for Defendant County of Onondaga

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

ORDER

Presently before the Court in this action is Plaintiff's motion to unseal Grand Jury records. (Dkt. No. 63.) Defendant County of Onondaga opposes the motion. (Dkt. No. 65.) Defendants City of Syracuse and Detective Gilhooley did not take any position on the motion.

The Court held a telephone conference in which oral argument was conducted in connection with the motion on January 28, 2020. At the close of argument I issued a bench decision wherein I granted Plaintiff's motion to unseal the relevant Grand Jury records, and I provided further detail

regarding my reasoning and addressing the specific issues raised in the motion.

After due deliberation, and based up the Court's oral bench decision, which has been transcribed, is attached to this Order and is incorporated in its entirety by reference herein, it is hereby,

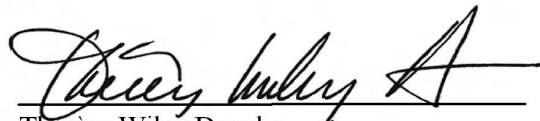
ORDERED, that Plaintiff's motion (Dkt. No. 63) and Plaintiff's follow up letter motion (Dkt. No. 78) seeking to unseal minutes of the subject Grand Jury proceedings are **GRANTED**; and it is further

ORDERED, that Defendant Onondaga County shall provide Plaintiff and the other Defendants with a copy of the subject Grand Jury minutes and any accompanying records by 2/12/2020 pursuant to the parties' confidentiality Order (Dkt. No. 24); and it is further

ORDERED, that the pretrial discovery deadlines are reset as follows: fact discovery due 6/15/2020; fact discovery motions due 6/22/2020; Plaintiff's expert disclosure due 7/13/2020; Defendants' expert disclosure due 8/24/2020; expert rebuttal due 9/8/2020; all expert discovery/all discovery due 10/5/2020; expert discovery motions due 10/13/2020; dispositive motions due 11/9/2020.

SO ORDERED.

Dated: January 29, 2020
Syracuse, New York


Therese Wiley Dancks
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TROY ALEXANDER,

Plaintiff,

vs.

5:17-CV-1195

CITY OF SYRACUSE, et al.,

Defendants.
-----x

Transcript of a **Decision** held during a
Telephone Conference held on January 28, 2020, at
the James Hanley Federal Building, 100 South Clinton
Street, Syracuse, New York, the HONORABLE THÉRÈSE
WILEY DANCKS, United States Magistrate Judge,
Presiding.

A P P E A R A N C E S

(By Telephone)

For Plaintiff:	K. FELICIA DAVIS, ESQ. Attorney at Law P.O. Box 591 Syracuse, New York 13201-3049
For Defendant: (City of Syr., Gilhooley)	CITY OF SYRACUSE CORPORATION COUNSEL 233 East Washington Street Room 300 City Hall Syracuse, New York 13202 BY: CHRISTINA F. DeJOSEPH, ESQ.
For Defendant: (County of Onon.)	COUNTY OF ONONDAGA Department of Law 421 Montgomery Street, 10th Floor Syracuse, New York 13202 BY: CAROL L. RHINEHART, ESQ.

1 (In Chambers, Counsel present by telephone.)

2 THE COURT: Presently before the court is
3 plaintiff's motion seeking to unseal grand jury minutes in
4 the criminal matter against plaintiff related to his claims
5 for illegal search and seizure, false arrest, and malicious
6 prosecution in this action. The motion is found at Docket
7 63. The defendant County filed opposition to the motion at
8 Docket Number 65. The City defendants took no position on
9 the motion. After due deliberation and consideration of the
10 parties' submissions and what I've heard today, the court
11 finds the following:

12 The plaintiff's motion to unseal the subject grand
13 jury minutes is granted. Federal Rule of Criminal Procedure
14 Rule 6(e)(3)(E)(i) authorizes a federal court to unseal grand
15 jury records, including state grand jury minutes. I find the
16 subject grand jury minutes to be relevant and necessary to
17 plaintiff's Section 1983 claims and in order to avoid
18 injustice, the entirety of the record should be disclosed.

19 Plaintiff previously sought the minutes from the
20 relevant county court but was denied access to them. Here,
21 plaintiff has also made the requisite particularized need
22 showing that there is no other sufficient means to obtain the
23 information, and the need for disclosure outweighs the need
24 for secrecy of the grand jury proceedings.

25 The subject grand jury records are necessary in

1 regard to the timing of individuals and law enforcement
2 entering the subject premises and the timing of the searches
3 of the premises and the plaintiff's vehicles, all of which go
4 to the heart of whether the defendants had probable cause to
5 arrest plaintiff, search his residence, and prosecute the
6 plaintiff.

7 Additionally, the court has -- or excuse me.
8 Additionally, the plaintiff has no ability to acquire the
9 information before the grand jury from any other source since
10 one of the main relevant witnesses, Lashauna Monahan, is
11 deceased and had apparently testified before the grand jury.

12 I also find that the usual reasons for secrecy are
13 not impacted by the disclosure of the grand jury minutes I'm
14 ordering. There's no need for secrecy to prevent the escape
15 of plaintiff or to ensure the freedom of grand jury
16 deliberations or to prevent subornation of perjury or
17 tampering with witnesses.

18 I'll also add that New York's Criminal Procedure
19 Law has recently been amended, as of January 1, 2020, Section
20 245.20 of New York's Criminal Procedure Law now provides that
21 grand jury minutes are to be provided to a criminal defendant
22 as part of initial discovery.

23 So plaintiff's motion at Docket Number 63 and the
24 follow-up letter motion at Docket Number 78 are granted, and
25 the defendant County shall turn over the grand jury minutes

1 in their entirety by a date that I'm going to set in a few
2 minutes. These records should be turned over pursuant to the
3 stipulated protective order found in Docket Number 24. So as
4 I said at the outset, I'll issue an order and this ends the
5 part of the transcript that will be attached to the order and
6 incorporated by reference into it.

7 (Whereupon the proceedings continued.)
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CERTIFICATE OF OFFICIAL REPORTER

I, JODI L. HIBBARD, RPR, CRR, CSR, Federal
Official Realtime Court Reporter, in and for the
United States District Court for the Northern
District of New York, DO HEREBY CERTIFY that
pursuant to Section 753, Title 28, United States
Code, that the foregoing is a true and correct
transcript of the stenographically reported
proceedings held in the above-entitled matter and
that the transcript page format is in conformance
with the regulations of the Judicial Conference of
the United States.

Dated this 28th day of January, 2020.

/S/ JODI L. HIBBARD

JODI L. HIBBARD, RPR, CRR, CSR
Official U.S. Court Reporter